IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8395 of 2004

Between:
Kota Ravishankar, s/o Kota Koteswara Rao,
r/o 40-17/1-4, Gopalanagaram,
Ongole, Prakasam District.

..... PETITIONER

AND

1 The District Medical and Health Officer, Prakasam District at Ongole.
2 The District Collector, Ongole, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction especially one in the nature of writ of certiorari calling for records pertaining to O.A.No.3900 of 2003 dated 19-11-2003 on the file of A.P.Administrative tribunal and quash the same and further declare that petitioner is entitled to be appointed as Multipurpose Health Assistant

For the Petitioner **:MR.M.SURENDER RAO, Advocate**

For the Respondent No.1 **: GP FOR SERVAICE-I**

The Court Made the Following :

THE HON'BLE MR. JUSTICE G. BIKSHAPATHY
AND
THE HON'BLE MR. JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO. 8395 OF 2004

ORAL ORDER : (per G.B., J.,)

This Writ Petition is filed challenging the order passed in O.A.No.3900 of 2003 dated 19-11-2003 by the A.P. Administrative Tribunal, Hyderabad.

2. The main contention of the petitioner is that he should be considered for appointment as Multipurpose Health Assistant either on local or non-local category depending on the performance. But, however, the grievance of the petitioner is that the Tribunal relying on the judgment in the batch of Writ Petitions relating to the validity of the certificate possessed by the applicants, disposed of O.A.No.3900 of 2003, in terms of the conclusion reached by this Court in the aforesaid Writ Petitions. He submits that the order has nothing to do with the facts of the present case and the Tribunal ought to have dealt with the matter on its own merits.

3. Heard the learned Government Pleader for Services-I.

4. Inasmuch as the judgment of this Court in W.P.No.15107 of 2000, does not apply to the facts of the present case and the petitioner is neither appointed under local or non-local category. We find that the Tribunal ought to have decided the matter on its own merits.

5. Accordingly, the Writ Petition is allowed, order of the Tribunal

in O.A.No.3900 of 2003, dated 19-11-2003 is set aside, the matter is remitted back to the Tribunal, directing the Tribunal to dispose of the matter in accordance with law after hearing both parties within a period of six weeks from the date of receipt of copy of this order.

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ASSISTANT

REGISTRAR

22nd June, 2004.

Kvr

// True Copy //

Section Officer

One fair copy to the Hon'ble Mr.Justice G.Bikshapathy.
(for his Lordships kind perusal.)

Copy to

1. The District Medical and Health Officer,
   Prakasam District at Ongole.

2. The District Collector,
   Ongole, Prakasam District.

3. 2 C.Cs to the Government Pleader for Services-I
   High Court Buildings, High Court of A.P.,
   Hyderabad. (O.U.T)

4. 2 C.D. copies.

5. The Registrar, A.P.Administratiave Tribunal, Hyderabad.